

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

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|-----------------------------|---|---------------------------|
| In re:                      | : | Chapter 11                |
| EASTERN LIVESTOCK CO., LLC, | : | Case No.: 10-93904-BHL-11 |
| Debtor.                     | : | Judge Basil H. Lorch III  |
|                             | : |                           |

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**FIFTH THIRD BANK'S OBJECTION TO MOTION TO CONTINUE HEARING**

Fifth Third Bank (“Fifth Third”), by and through the undersigned counsel, hereby objects to the Motion to Continue Hearing (DKT NO. 1271) filed by Superior Livestock Auction, Inc. (“Superior”).<sup>1</sup> In support of its objection, Fifth Third states as follows:

1. Fifth Third would not object to a minor continuance to accommodate the calendar of John Ames, say three or four business days. However, the other asserted grounds for a continuance are without merit.

2. The plea that more time is needed to evaluate the Plan and Disclosure Statement is disingenuous at best. Superior, and the other parties who have joined in Superior’s motion, have already had unprecedented amounts of discovery in this case, now exceeding over 100 hours of deposition testimony and over 100,000 pages of written discovery. Moreover, the scheduled time is still a solid month in the future.

3. The claim that “the resolution of several matters of significance” is a reason to continue the hearing on the adequacy of information contained in the Disclosure Statement is not well taken. The resolution of those issues does not change the fact that Superior already has

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<sup>1</sup> This will also serve as the response to the other parties who have joined Superior’s Motion To Continue Hearing.

“adequate information.” Superior, and others, have had months and months to acquire that information and have already done so. More time will not add to the already exhausted sources of information.

4. In a nutshell, Superior and the parties joining with Superior in seeking a continuance, already thoroughly understand the Plan and the Disclosure Statement - they simply do not like the Plan. However, those objections are properly heard at the confirmation hearing on the Plan, not the hearing to determine the adequacy of information of the Disclosure Statement.

For the reasons stated above, absent a minor extension of time, the motion for continuance should be denied.

Date: August 3, 2012

Respectfully submitted,

/s/ Randall D. LaTour  
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Counsel for Fifth Third Bank, N.A.

#### **CERTIFICATE OF SERVICE**

I hereby certify that on this 3<sup>rd</sup> day of August, 2012, a copy of the foregoing *Objection to Motion to Continue Hearing* was filed and served electronically through the Court’s CM/ECF System to the parties who are listed on the Court’s Electronic Mail Notice List. Parties may access this filing through the Court’s system.

/s/ Randall D. LaTour  
Randall D. LaTour (admitted pro hac vice)